Docket No. CRD5046USNP0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ArtUnit: 3763

Applicants: Donald K. Jones, et al.

Serial No.: 10/738,477

Filed : December 17, 2003 Examiner: N. D. Lucchesi

For : Activatable Bioactive Implantable Medical Device and Method Of Use

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

April 25, 2007
(Date of Deposit)

Michael W. Montgomery
(Name of applicant, assignes, or Registered Representative)

April 25, 2007

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on May 25, 2006.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with \$1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required.

☐ In ac	cordance wit	n §1.129(a), this information
Disclosure State	ement is bei	ng filed in connection with \square the
first or \square seco	ond After Fir	nal Submission, therefore:
	Statement in	Accordance with \$1.97(e)
	(attached);	or
	Please charg	ge Deposit Account No. 10-
	0750/ /	the fee of $$180.00$ as set forth
	in §1.17(p).	

In accordance with \$1.97(c), this Information
Disclosure Statement is being filed after the period set forth
in \$1.97(b) above but before the mailing date of either a Final
Action under \$1.113 or a Notice of Allowance under \$1.311, or
an action that otherwise closes prosecution and that it is
accompanied by one of:

	Statement in Accordance with \$1.97(e)
	(attached); or
	Please charge Deposit Account No. 10-
	0750/ / the fee of $$180.00$ as set forth
	in §1.17(p).
☐ In a	ccordance with \$1.97(d), this Information
Disclosure Sta	tement is being filed after the mailing date of
either a Final	Action under §1.113 or a Notice of Allowance
under §1.311	but before the payment of the Issue Fee.
Applicant(s) h	ereby petition(s) for consideration of this
Information Di	sclosure Statement. Included are: Statement in
Accordance wit	h \$1.97(e) as set forth below and the fee of
\$180.00 as set	forth in §1.17(p).
☐ Copi	es of each of the references listed on the
attached Form	PTO-1449 are enclosed herewith.
∏ Copi	es of references listed on the attached Form PTC
	sed herewith EXCEPT THAT:
	In view of the voluminous nature of references
	[list as appropriate], and the likelihood that
	these references are available to the Examiner
	copies are not enclosed herewith.
	If any of the foregoing publications are not
	available to the Examiner, Applicant will
	endeavor to supply copies at the Examiner's
	request.
⊠ Copi	es of only foreign patent documents and non-
	ure are enclosed in accordance with 37 CFR 1.98
(a)(2).	are are encrosed in accordance with 37 Cfk 1.90
(u / \4 / •	

 \boxtimes There are no listed references which are not in the English language. The relevance of those listed references which are not in the English language is as follows: Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D. Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CRD5046USNP0/MWM. This form is submitted in triplicate. Respectfully submitted, chael W. Montgomer Reg. No. 35,958 Attorney for Applicants Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (786) 313-2922 DATED: April 25, 2007

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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APR 3 0 2007

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

ta	o a collection of information unless it displays a valid OMB control number.				
1	Application Number	10/738,477			
	Filing Date	December 17,2003			
1	First Named Inventor	Donald K. Jones, et al.			
1	Group Art Unit	3763			
1	Examiner Name	N. D. Lucchesi			
	Attorney Docket Number	CRD5046USNP0			
	4				

U.S. PATENT DOCUMENTS

		U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Pages, Columns, Lines,
Examiner Initials	Cite No. ¹	Number known)	Kind Code ² (if	of Cited Document	of Cited Document mm-dd-yyyy	where relevant passages or relevant figures appear
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FOREIGN PATENT DOCUMENTS

		Foreign Patent Document	Name of Patentee or	Date of Publication of Cited Document	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁸	
Examiner Initials	Cite No. ¹	Office ³ Number ⁴ KindCode ⁵		Applicant of Cited Document			mm-dd-yyyy
		CA	2,132,293	Hercules, Inc.	03-30-1995		

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Examiner		Date	
Signature		Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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¹ Unique citation designation number, 2 See attached Kinds of U.S. Patent Documents, 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible, 6 Applicant is to place a check mark here if English language Translation is attached.

SUBMISSION UNDER MPEP 609 D

 Application Number
 10/738,477

 Filing Date
 June 15, 2004

 First Named Inventor
 Donald K. Jones, et al.

 Group Art Unit
 3763

 Examiner Name
 N. D. Lucchesi

 Attorney Docket Number
 CRD5046USNP0

Page 1 of 1

		U.S. FA	TENT DOCUMENTS	,		
			U.S. Patent Docur	ment		
Examiner Initials	Cite No. ¹	Name of Patentee or Applicant of Cited Document	Number	Kind Code ² (if known)	Pages, Columns, Lines, where relevant passages or relevant figures appear	
			4.17	110-11		

FOREIGN PATENT DOCUMENTS Foreign Patent Document Pages, Columns, Lines, where relevant passages Name of Patentee or or relevant figures Examiner Cite T⁶ Applicant of Cited Document KindCode5 appear Office³ Number4 Initials No.1 OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), T^2 Cite No.1 title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), Examiner volume-issue number(s), publisher, city and/or country where published Initials* Canadian Search Report dated February 9, 2007 for corresponding Appln. No. CA 2,490,343

Examiner	Date	
Signature	Considered	